

Remarks/Arguments

Reconsideration of this application, as previously amended is respectfully requested.

Claims 1 - 7 remain in this application for examination.

Former claims 1, 2 and 7, as now presented, are under a rejection based on 35 U.S.C. 103(a) as being unpatentable over Anderson (US 5,733,059). It is respectfully submitted that as now presented, base claim 1 clearly defines over Anderson.

Specifically, as now presented, claim 1 requires the mounting arrangement to have an end fixed to a central, top region of the operating unit **at a location approximately half way between opposite ends** of the operating unit.

Anderson discloses an operating unit in the form of a sickle mower 12, which is attached to a tractor 14 by a support arm 22 having an inner end pivotally attached to the tractor 14 by a pivotal connection 28, and having an outer end coupled to an **inner end** of the mower 12 by a structure including a mounting arrangement 24 and 26 fixed to the mower 12 and pivotally coupled to the support arm 22 by a shaft 36 fixed to an upper plate 32 of the support frame 24 and joined to a shaft 48 forming part of a rotary actuator 18 and located for oscillating within a cylindrical housing of the actuator 18, with the cylindrical housing having a lower end fixedly joined to the arm 22 and with the shafts 36 and 48 defining an upright axis about which the mower 12 may pivot. The actuator 18, together with the control means 20, comprises a safety device associated with the connection shaft 36 for effecting a normal operating condition preventing pivotal movement of the mower 12 about the upright axis until a predetermined condition is fulfilled whereupon the safety device releases the mower 12 to permit it to pivot about the axis defined by the shaft 36.

Thus, it will be appreciated that the claimed location of the connection between the operating unit and the mounting arrangement is not present in Anderson. The Examiner asserts that the claimed location of the mounting arrangement relative to the operating unit is not patentable unless it produces an unexpected result, with the Examiner further asserting that it would have been obvious to one having ordinary skill in the art at the time of the invention to have

located the mounting arrangement of Anderson anywhere along the operating unit in order to support the weight and balance of the unit. However, this position is not tenable since the safety device 18 of Anderson would not have its desired utility if mounted to a central location along the length of the mowing unit. This is so because the safety device 18 **only works** in response to forces engaging the mower bar at locations **outboard** of the safety device, since it is only then that the relief valve will release the fluid pressure blocking movement of the mower 12 about the axis defined by the shafts 36 and 48. In applicant's claimed arrangement, the safety device is operable to release the operating unit (mower unit 12 or 14) even if the obstacle encountered by the mower is located inboard of the mounting arrangement 24.

In addition, the advantages of choosing the claimed "half way" location between opposite ends of the operating unit for being mounted to the support arm are clearly set forth in paragraphs [0004] and [0007] of the specification, and it is submitted that these advantages would not have been obvious to one skilled in the art at the time of the invention, and that the Examiner has used impermissible hindsight to find a teaching for obviousness.

Accordingly, claim 1 is thought allowable

Claim 2 depends from claim 1 and is likewise thought allowable. Claim 2 is thought allowable for the additional reason that it requires the connection to include a friction lock, and **the hydraulic lock of Anderson cannot fairly be construed to be a friction lock.**

Claim 7 depends from claim 1 and is likewise thought allowable

Claims 3 and 5 are under a rejection based on 35 U.S.C. 103(a) as being unpatentable over Anderson, as applied to claim 2, and further in view of Maier et al. (3,543,489). This rejection is thought to be in error as Maier et al., as applied to claim 3, simply does not disclose the subject matter added by claim 3, and as applied to claim 5, does not contain a teaching which would make obvious the combination of the references so as to provide the structure set forth in claim 5.

Claim 3 depends from claim 2 and is likewise thought allowable. Claim 3 is thought allowable for the additional reason that it requires the safety device to **include a shear pin coupling the mounting arrangement to the operating unit at a location offset from the upright axis** and no such shear pin is disclosed by either

of Anderson or Maier et al., noting that the sole safety device in Anderson is the rotary actuator 18 and its control means 20, and the sole safety device in Maier et al. is the friction lock established by the spring-loaded catch dog 12 and the retaining projection 14. For some reason the Examiner asserts that the spring 13 is "a safety device or shear pin", which is clearly in error. In any event, even if it would have been obvious to have substituted the safety arrangement of Maier et al. for that of Anderson, the required shear pin would still not be present.

Claim 5 depends from claim 1 and is likewise thought allowable since Maier et al. does not overcome the deficiencies of Anderson stated above relative to the "obviousness" rejection of claim 1 on the basis of Anderson alone. Claim 5 is thought allowable for the additional reason that it requires the support arm to be constructed in **two sections**, that are hinged together and normally held in a working condition by a **further safety** device which permits movement of the operating unit and one of the sections about a second upright axis defined by the hinge when a second preset condition is reached, and no such two section arm is present in Anderson (the arm 22 of Anderson is constructed in one, solid piece and the only safety device disclosed is the rotary actuator 18) nor in Maier et al. (beam 2 forms part of the operating unit not the support arm, which is constructed solely of carrier 1). Furthermore, as applied to claim 5, the Examiner apparently intends to either (1) incorporate the safety device of Maier et al. in the support arm 22 of Anderson or (2) replace the safety device 18 of Anderson with that of Maier et al. If the first substitution is intended, it is not thought that it would have been obvious since any rearward movement of a joint in support arm 22 would result in interference with the right rear wheel of the tractor. Also, neither Anderson nor Maier et al. teach the idea of providing two safety devices, and it is submitted that the Examiner has resorted to impermissible hindsight for such a teaching. If the second of the above-noted substitutions is contemplated, then only one safety device results, namely, that of Maier et al.

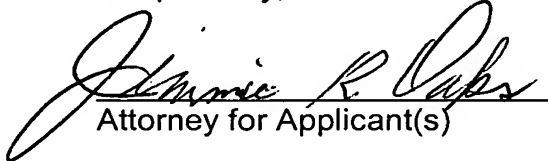
Claims 4 and 6 are considered by the Examiner to contain allowable subject matter and since these claims each depend from claim 1, which is thought allowable, they too are thought to be allowable.

In conclusion, it is believed that this application is in condition for allowance, and such allowance is respectfully requested.

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Respectfully,


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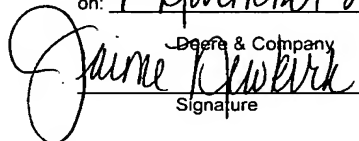
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